IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 4.9.2007

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THE HON'BLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.29054 of 2007

K.Kandasamy .. Petitioner

vs.

1. The Commissioner cum Director,
   Geology and Mining,
   Thiru Vi.Ka.Industrial Estate,
   Guindy, Chennai - 32

2. The District Collector,
   Erode District, Erode .. Respondents

This writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of mandamus to forbear the respondents from enforcing the order passed in Na.Ka.No.15229/2007/X1, dated 23.7.2007, passed by the second respondent herein pending disposal of the above Appeal petition, dated 18.8.2007, on the file of the first respondent.

For petitioner : Mr.D.Krishna Kumar
For respondents : Mr.R.Mahadevan
Additional Government Pleader

O R D E R

Mr.R.Mahadevan, the learned Additional Government Pleader takes notice for the respondents.

2. With the consent of the learned counsels appearing on either side, the writ petition is taken up for final disposal.

3. Heard Mr.D.Krishna Kumar, learned counsel for the petitioner as well as Mr.R.Mahadevan, learned Additional Government Pleader for the respondents.

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4. It is stated by the petitioner that he is the owner of the land comprised in Survey No.461/1A to an extent of 2.91.5 hectares at Kolathupalayam Village, Dharapuram Taluk, Erode District. The petitioner had applied for grant of quarrying lease to quarry rough stones in the said land under Rules 19 and 22 of The Tamil Nadu Minor and Mineral Concession Rules, 1959, for the period from 1994 to 1997. On the request made by the petitioner, the lease was granted for the period from 1994 to 1997 and thereafter, the petitioner had been granted lease for the period from 1997 to 2000 and the lease had also been granted for the period from 2004 to 2009, under The Tamil Nadu Minor Mineral Concession Rules, 1959. The second respondent had granted the lease from 29.3.2004 to 28.3.2009 for a period of five years. However, the second respondent, had issued a show cause notice, in Na.Ka.No.15229/2007/X1, dated 25.4.2007, asking the petitioner to submit an explanation with regard to certain aspects pointed out in the said show cause notice. The petitioner had submitted an explanation, on 11.5.2007. Thereafter, the second respondent had passed the impugned order in Na.Ka.No.15229/2007/X1, dated 23.7.2007, cancelling the lease granted to the petitioner.

5. Aggrieved by the said order passed by the second respondent, the petitioner had preferred an appeal before the first respondent, on 18.8.2007, under Rule 36 (C) of The Tamil Nadu Minor Mineral Concession Rules, 1959, and the same is said to be pending on the file of the first respondent.

6. Mr.D.Krishna Kumar, learned counsel appearing for the petitioner had submitted that the petitioner has suffered heavy monetary loss due to the cancellation of the lease and many families of the labourers are suffering without employment due to the stoppage of the quarrying

operations. The learned counsel had laid stress on his request to permit the petitioner to carry on the quarrying operations, during the pendency of the appeal before the first respondent.

7. Mr.R.Mahadevan, the learned Additional Government Pleader, appearing for the respondents has submitted that such a relief cannot be granted, as the lease granted to the petitioner had been cancelled.

8. Considering the rival contentions of the learned counsels appearing on behalf of the parties concerned, this Court is of the considered view that it would suffice if the first respondent is directed to dispose of the appeal filed by the petitioner, on 18.8.2007, within a specified time. Therefore, the first respondent is directed to dispose of the appeal filed by the petitioner, on 18.8.2007, on merits and in

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accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after giving sufficient opportunity to the parties concerned.

With the above directions, the writ petition is disposed of. No costs. Consequently, connected M.P.Nos.1 and 2 of 2007 are closed.

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Sd/-
Asst.Registrar

/true copy/

Sub Asst.Registrar

To:

1. The Commissioner cum Director,
   Geology and Mining,
   Thiru Vi.Ka.Industrial Estate,
   Guindy, Chennai - 32

2. The District Collector,
   Erode District, Erode

+1 cc to The Government Pleader Sr.No.55337.

+1 cc to Mr.D.Krishna Kumar, Advocate Sr.No.55039.

JRG(CO)
dcp/5.9

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